

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN BRADLEY,

 Petitioner,

 v.

KISHA M. HALL,

 Respondent.

No. 1:23-cv-00473-ADA-HBK (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS, AND DECLINING TO ISSUE
CERTIFICATE OF APPEALABILITY

(ECF No. 5)

Petitioner Steven Bradley is a civil detainee at Coalinga State Hospital proceeding pro se with a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 1, 2023, the Magistrate Judge issued findings and recommendations, recommending that the Court dismiss the petition based on a lack of jurisdiction and Petitioner's failure to state a cognizable claim. (ECF No. 5.) The findings and recommendations contained notice that Petitioner had fourteen days within which to file objections. (*Id.* at 4–5.) That deadline has passed, and Petitioner has not filed objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court concludes that the findings and recommendations are supported by the record and proper analysis.

1 The Court also declines to issue a certificate of appealability. A state prisoner seeking a
2 writ of habeas corpus has no absolute entitlement to appeal a district court's denial of his petition,
3 and an appeal is allowed only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–
4 36 (2003). Where, as here, a court denies habeas relief on procedural grounds without reaching
5 the underlying constitutional claims, the court should issue a certificate of appealability only “if
6 jurists of reason would find it debatable whether the petition states a valid claim of the denial of a
7 constitutional right and that jurists of reason would find it debatable whether the district court was
8 correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).


9 Here, the Court finds that reasonable jurists would not find that the Court's dismissal of
10 the petition is debatable or wrong, or that Petitioner should be allowed to proceed further.
11 Therefore, the Court declines to issue a certificate of appealability.

12 Accordingly,

- 13 1. The findings and recommendations issued on May 1, 2023, (ECF No. 5), are
14 adopted in full;
- 15 2. The petition for writ of habeas corpus, (ECF No. 1), is dismissed;
- 16 3. The Clerk of Court is directed to enter judgment and close the case; and
- 17 4. The Court declines to issue a certificate of appealability.

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20 IT IS SO ORDERED.

21 Dated: August 22, 2023

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UNITED STATES DISTRICT JUDGE